

CERTIFICATE OF SERVICE

I, Donna L. Westphal, declare:

I am a citizen of the United States and am employed in the County of Contra Costa, State of California. I am over the age of 18 years and am not a party to the within action. My business address is Matlock Law Group, A Professional Corporation, 1485 Treat Blvd., Suite 200, Walnut Creek, California 94597. I am personally familiar with the business practice of Matlock Law Group, A Professional Corporation.

On December 7, 2007, following ordinary business practice, I caused service of the following documents:

**DATAWAY'S OPPOSITION AND MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF OPPOSITION TO PLAINTIFF'S MOTION
TO DISMISS CROSS-COMPLAINT FOR FAILURE TO STATE A CLAIM**

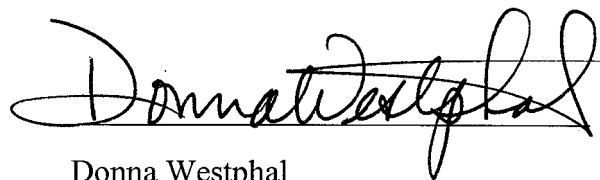
to be completed by:

Electronic service in accordance with the
Subject Rule and/or General Orders in this
Matter upon:

Timothy Carl Aires
Aires Law Firm
180 Newport Center Drive, Suite 260
Newport Beach, CA 92660

I declare under penalty of perjury under the laws of the United States that the above is true and correct and that this declaration was executed at Walnut Creek, California.

DATED: December 7, 2007


Donna Westphal